IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,

AT HYDERABAD

HON'BLE SRI JUSTICE V.V.S. RAO

W.P. No. 12963 OF 2004

Date: 12.08.2005

BETWEEN:

1. S. Narasimha Goud and others

…. PETITIONERS

Vs.

1. The Commissioner of Prohibition and Excise, Andhra Pradesh

at Hyderabad, and others.

…. RESPONDENTS

ORDER:

The petitioners are the members of Toddy Tappers Cooperative Society, Narayankhed village and Mandal, Medak District, the sixth respondent herein. They seek a direction to fourth respondent to conduct enquiry into genuineness of certain members in the said society. Though interlocutory application being WPMP No.18337 of 2005 is listed today, the matter was heard, as the pleadings part of the case is completed.

The case of the petitioners in brief is that they are members of sixth respondent society. They made a representation under Section 61 of the A.P. Cooperative Societies Act, 1964 (for short 'the Act') on 12.2.2004 to the fourth respondent requesting to cancel the registration given to sixth respondent and issue licences under Tree for Tappers Scheme to the petitioners and they are genuine members. They also allege that most of the members of the sixth respondent are not genuine and the society was formed only to procure a licence under relevant Toddy policy. When the fourth respondent did not pass any orders on the representation, they approach this Court under Article 226 of the Constitution of India.

The learned counsel for the sixth respondent placed reliance on Section 61 of the Act. He would urge that when there is a dispute between the members and the society or one member and the other member of the society, the remedy is to seek a reference before the Registrar under Section 61 of the Act and then file appeal under Section 76 of the Act against the award that may be passed by the Registrar.

According to the learned counsel the dispute between the four petitioners who are members of the sixth respondent is one, which squarely falls within the ambit of Section 61 of the Act. There is force in his submission. There cannot be any denial that the petitioners are members of the sixth respondent society and they are aggrieved by the continuation of other members of the society, who according to them are not genuine Tappers. Therefore, it was incumbent on the part of the Registrar – the fourth respondent herein; to have accepted the reference under Section 61 and adjudicate the matter.

A reading of the representation, dated 12.2.2004, no doubt contains the grievance of the petitioners in detail, but the same cannot be treated as reference. Therefore, liberty is given to the petitioners to approach the fourth respondent and submit a reference raising the dispute, whereupon the fourth respondent shall consider the reference in accordance with law and pass appropriate orders. Two weeks time is granted to the petitioners to seek reference before the fourth respondent, whereupon the fourth respondent may dispose of the matter within a period of eight weeks thereafter.

The Writ Petition, with the above observations and direction, is accordingly disposed of. No costs.

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(**V.V.S. RAO, J.)**

12th August, 2005

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